

A copy of the Complaint was attached to the Notice of Removal. Six days later, on

July 19, 2022, Defendants filed a Motion to Dismiss for Failure to State a Claim. [Dkt. # 3].

Fed. R. Civ. P. 15(a)(2) provides that “a party may amend its pleading only with the opposing party’s written consent or the court’s leave. The court should freely give leave when justice so requires.” Plaintiff therefore respectfully seeks the Court’s leave to proceed with the Amended Complaint. A copy of the Proposed Amended Complaint is attached to this Motion as Exhibit A.

In support of this request, Plaintiff shows that the Amended Complaint has not been submitted for any improper purpose and will not delay the orderly disposition of this matter. The Complaint was originally drafted for a state court proceeding and not in contemplation of the need to satisfy federal pleading standards. Furthermore, Defendants purport to challenge the basis for personal jurisdiction over the Defendants in the state of Georgia. Based on a further review of specific facts relating to the contacts and interactions amongst the Parties, it is appropriate to plead additional counts and claims for relief. Rather than argue the pending Motion [Dkt. # 3] and then seek leave to amend the complaint to add additional counts and/or potentially need to re-plead allegations relating to Defendants’ contacts with this forum to more fully articulate the basis for personal jurisdiction over the Defendants, it is more efficient to simply submit the Amended

Complaint at this time. The Amended Complaint will impose no improper prejudice upon Defendants because even if the Court were to grant Defendants' Motion to Dismiss (which Plaintiff denies would be appropriate), the Court should grant Plaintiff at least one opportunity to file an amended complaint.

Furthermore, if Defendants continue to contest personal jurisdiction after a review of the Amended Complaint, Defendants will have an opportunity to do so.

Wherefore, Plaintiff respectfully requests an Order granting the Court's leave to proceed with the Amended Complaint pursuant to Fed. R. Civ. P. 15(a)(2).

Respectfully submitted this 19th day of August 2022.

/s/ John H. Goselin II
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CERTIFICATE OF COMPLIANCE

Pursuant to Rule 7.1 (D) of the Local Rules of the Northern District of Georgia, the undersigned hereby certifies that the foregoing was prepared in a font and point selection approved by this Court and authorized in Local Rule 5.1.

This 19th day of August 2022.

/s/ John H. Goselin II
John H. Goselin II

CERTIFICATE OF SERVICE

I hereby certify that on this day, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, **MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT** which will send e-mail notification of such filing to counsel of record.

This 19th day of August 2022.

/s/ John H. Goselin II
John H. Goselin II